

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# **HOUSE BILL 2291**

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 34; RELATING TO RETAILER USE OF IDENTIFICATION INFORMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding  
3 chapter 34, to read:

4 CHAPTER 34

5 RETAILER USE OF IDENTIFICATION INFORMATION

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7701. Retention of customer information; age verification;  
8 transmission to third parties prohibited;  
9 enforcement; civil penalties

10 A. A RETAILER MAY RETAIN AND USE INFORMATION FROM A CUSTOMER'S DRIVER  
11 LICENSE OR OTHER STATE ISSUED IDENTIFICATION ONLY FOR THE PURPOSE OF  
12 VERIFYING THE CUSTOMER'S AGE, FOR THE PURPOSE OF ESTABLISHING A CUSTOMER'S  
13 IDENTITY OR FOR THE PURPOSE OF DISCLOSING THE INFORMATION TO ANY OF THE  
14 FOLLOWING:

15 1. THE DEPARTMENT OF TRANSPORTATION.

16 2. A PERSON LICENSED PURSUANT TO TITLE 20.

17 3. A BUSINESS FOR THE PURPOSE OF ANY OF THE FOLLOWING:

18 (a) VERIFYING A CHECK AT THE POINT OF SALE FOR THE PURCHASE OF A GOOD  
19 OR SERVICE BY CHECK.

20 (b) EVALUATING CREDIT WORTHINESS, DETECTING OR REDUCING THE RISK OF  
21 FRAUD, IDENTITY THEFT OR OTHER CRIMES.

22 (c) CONDUCTING ACCOUNT COLLECTION ACTIVITIES.

23 4. FINANCIAL INSTITUTIONS, IF PERMITTED BY FEDERAL LAW.

24 B. EXCEPT AS PROVIDED IN THIS SECTION, THE RETAILER SHALL NOT TRANSMIT  
25 THE INFORMATION TO A THIRD PARTY FOR ANY PURPOSE, EXCEPT THAT A RETAILER MAY  
26 DISCLOSE THE INFORMATION TO A LAW ENFORCEMENT AGENCY FOR THE PURPOSES OF A  
27 LAW ENFORCEMENT INVESTIGATION.

28 C. THIS SECTION MAY BE ENFORCED BY EITHER OF THE FOLLOWING:

29 1. A COUNTY ATTORNEY IN THE COUNTY IN WHICH THE VIOLATION OCCURS. IF  
30 A VIOLATION OCCURS BY THE SAME RETAILER IN MULTIPLE COUNTIES, A COUNTY  
31 ATTORNEY IN A COUNTY IN WHICH A VIOLATION OF THIS SECTION OCCURRED, AFTER  
32 FILING A NOTICE OF INTENT TO ENFORCE THIS SECTION, MAY SEND A COPY OF THE  
33 NOTICE TO THE COUNTY ATTORNEY IN EACH COUNTY IN WHICH A VIOLATION OCCURRED  
34 AND MAY REQUEST THAT THE ACTIONS BE CONSOLIDATED.

35 2. THE ATTORNEY GENERAL.

36 D. A CIVIL PENALTY SHALL BE IMPOSED FOR EACH VIOLATION OF SUBSECTION A  
37 ARISING OUT OF ONE INCIDENT. THE CIVIL PENALTY SHALL NOT EXCEED:

38 1. FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.

39 2. ONE THOUSAND DOLLARS FOR A SECOND VIOLATION.

40 3. FIVE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.